

## Mark Smith

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**From:** Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>  
**Sent:** Wednesday, June 12, 2024 5:52 PM  
**To:** Mark Smith; Conrad, Charles C.; Troop, Andrew M.  
**Cc:** Jeff Steidley; Jetall Legal  
**Subject:** RE: Notice of Deposition of Omar Bouhadiba

Mark,

I write in response to your June 10, 2024 deposition notice of Omar Bouhadiba. Mr. Bouhadiba will not be appearing for the noticed deposition on June 13, 2024 at 2:00 p.m. First, the deposition notice is foreclosed by the Court's June 11, 2024 Order denying your client's Emergency Motion to Compel National Bank of Kuwait to Produce a Prepared Witness. Second, based on the questioning of NBK's Rule 30(b)(6) witness Michael Carter, it appears that 2425 WL's purpose in taking Mr. Bouhadiba's deposition is to question him concerning NBK's bidding strategy at the June 18 auction in this matter, but 2425 WL is not entitled to that information. Finally, and in any event, Mr. Bouhadiba's deposition is not obtainable by notice served on NBK's New York Branch. As you know Mr. Bouhadiba works in Kuwait and is not employed by the New York Branch. We have not been authorized to accept service of a deposition notice or subpoena of Mr. Bouhadiba.

Best,

**Patrick E. Fitzmaurice | Partner**

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**From:** Mark Smith <msmith@bn-lawyers.com>  
**Sent:** Tuesday, June 11, 2024 12:43 AM  
**To:** Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>; Troop, Andrew M. <andrew.troop@pillsburylaw.com>  
**Cc:** Jeff Steidley <jeff@texlaw.us>; Jetall Legal <legal@jetallcompanies.com>  
**Subject:** Notice of Deposition of Omar Bouhadiba

Gentlemen,

Please see attached notice of deposition of Omar Bouhadiba.

Regards,

Mark

Mark E. Smith  
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